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THE PRIME MINISTER, CABINET, AND THE EXECUTIVE POWER IN CANADA

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Almost everyone would agree that the most visible and powerful individuals in democratic systems of government are those who occupy positions of executive authority. Indeed, it is prime ministers and presidents who give to periods in history their distinctive character. We speak of the "Diefenbaker Interlude," the "Trudeau Era," or the "Mulroney Years" because it is the personality and image of the prime minister that we associate with the particular tone or flavour of that political time. It is the goal of this chapter to attempt to explain the nature of executive authority in Canada, and in particular to describe the power of the prime minister in our system of government.

THE CONSTITUTION AND THE EXECUTIVE POWER

THE CROWN AND THE GOVERNOR GENERAL

While Section 9 of the Constitution Act of 1867 tells us that "The Executive Government and Authority of and over Canada is hereby declared to continue and be vested in the Queen," this assertion is not all that helpful when it comes to trying to understand how the executive branch in Canada actually operates. Clearly, Her Majesty is a rare visitor to Canada, let alone to the Cabinet chamber on Parliament Hill. Moreover, the visits she does make to our shores are by Canada's invitation only and involve purely ceremonial and symbolic chores. By a combination of

formal amendment to the Act of 1867, and the strict adherence to a series of constitutional conventions—some inherited from the United Kingdom and some that evolved on this side of the Atlantic—the Queen's role has been reduced to that of appointing the governor general, and, even then, only on the recommendation of the prime minister.¹

While the Queen is still the symbol of executive authority in Canada (hence terms such as Crown land, Crown prosecutor, Crown corporation, and Minister of the Crown), all of the formal powers of the monarch in Canada are now exercised by the governor general (and by lieutenant governors in the provinces). Unfortunately, understanding the *formal* role of the governor general also does not tell us very much about how the executive authority in Canada is actually exercised. The last time a Canadian governor general acted other than on the advice of the prime minister was in 1926,² and while aficionados of such things will tell us that there are still circumstances in which a governor general might be forced to take his or her own counsel, in practical terms, the job of the Queen's representative in Canada is to do what the prime minister asks and to behave at all times in an apolitical, diplomatic, and statesmanlike manner. But, given that the terms "prime minister," "premier," and "cabinet" are not even mentioned in the Constitution Act of 1867,³ we now must ask what then is the constitutional source of prime ministerial power?

THE PRIVY COUNCIL AND CABINET

The first part of the answer to this rhetorical question lies in section 11 of the Constitution Act, 1867, which states that "there shall be a Council to aid and advise in the Government of Canada, to be styled the Queen's Privy Council for Canada" and that the members of the Privy Council are to be appointed (or removed) and sworn in by the governor general. The second part of the answer lies in the Preamble to the 1867 Act, which states that Canada is to have a constitution "similar in principle to that of the United Kingdom." This provision formally incorporates all of the applicable conventions of the British constitution, of which the most important are the following:

1. *Constitutional monarchy*, whereby the Queen (the governor general in Canada) will always act only in a manner consistent with the wishes of the prime minister.
2. *Party government*, whereby, after an election, the Queen (the governor general in Canada) must ask the leader of the party with the most seats in the House of Commons to form a government—that

is, to accept an appointment to the Privy Council, to act as the *prime minister*, and to advise the governor general as to whom else to appoint as *ministers*.

3. *Cabinet government*, whereby a committee of the Privy Council, called the *Cabinet*, composed of the prime minister and the current ministers of the government, acts in the name of the Queen's Privy Council for Canada.⁴

4. *Responsible government*, whereby the government of the day can only be the government insofar as it holds the support or *confidence* of a majority of the House of Commons.

Thus, the practical reality of the executive power in parliamentary democracies is that it is exercised largely by the *political executive*, the prime minister, whose executive decisions are formulated and tempered within the crucible of the Cabinet chamber. The power of the prime minister, however, is limited not only by the need for the prime minister to maintain collective solidarity among the members of the Cabinet but also by the need for the *government of the day*⁵ to secure and maintain the support of a majority of the members of the House of Commons. These latter requirements for the successful exercise of prime ministerial power tend to be determined largely by factors other than constitutional ones, which will be discussed later. We must now turn to a consideration of what the executive function of government comprises.

THE FUNCTIONS OF THE EXECUTIVE

This section addresses the various functions or "jobs" that the executive branch of government must perform if the system as a whole is to operate effectively. We can identify three main sets of functions performed by the executive: the head of state functions, the chief executive functions, and the policy functions, each of which will be dealt with in turn. The reader should note that while our focus is on Canada at the *federal* level of government, these same functions can be seen in all of the Canadian provinces and territories and in most of the countries throughout the world.

HEAD OF STATE FUNCTIONS

While executive power in Canada is exercised for the most part by the prime minister and the Cabinet, the symbolic embodiment of Canadian sovereignty is still the Crown, and the *head of state* function of the

executive is vested formally in the Queen and her representative in Canada, the governor general. Even today, many of the formal, ceremonial, and honorific functions of the executive, such as greeting visiting foreign heads of state, investing recipients of the Order of Canada, and hosting an annual New Year's Day "levee" are still performed by the governor general. Indeed, it is useful for the busy prime minister to be able to delegate many minor ceremonial jobs to the Queen's representative, leaving more time to devote to the business of heading up the government.

CHIEF EXECUTIVE FUNCTIONS

While the distinction between the chief executive function and the policy function is somewhat blurred, with one job overlapping and flowing into the other, the essence of the former is the *management* of the day-to-day affairs of the government, and the latter, to be discussed later, deciding what rules, expressed as laws, will be imposed on Canada and on Canadians.

Directing Central to the function of management, in the private sector as well as in government, is the provision of leadership to an organization and the directing of its day-to-day operations. The government of Canada is essentially an organization, albeit a very large one. The prime minister is the CEO and the Cabinet is his board of directors. Thus, as well as providing *political leadership* to the country as a whole, the PM is also responsible for providing broad direction to the vast apparatus we know as the Government of Canada. The PM is responsible for selecting Cabinet members and assigning individual ministers to specific departments, or *portfolios*. Each department is headed by a minister, who is formally responsible to the PM and ultimately to Parliament itself for the performance of the department and of its officials.

While the day-to-day affairs of government departments are for the most part directed by senior public servants known as deputy ministers, and while most Canadians realize that it is unrealistic to expect a minister in modern government to be aware of all that goes on in the department, it is the minister who must answer for the performance of his or her department before the House of Commons and within Cabinet. While this principle of *ministerial responsibility* is not as strict as it once was, with ministers sometimes forced to resign in the face of errors or wrongdoings in the department, it is still the minister who must "face the music" if his or her departmental officials make a mistake.

Organizing Another management function of the executive in Canada is the overall *organizing* of the government. Assisted by and heavily influenced by the professional managers of the bureaucracy, the political executive is responsible for the structure of the system, the allocation of responsibilities among departments and agencies, and the effectiveness of the management regime. Throughout the '90s, decisions respecting the structure of government have focused on downsizing, privatization, and deregulation. The executive has been engaged in a process of negative-priority determination, eliminating some departments and agencies entirely, combining others under a single portfolio, and transferring still others to the private sector.

Staffing As with any organization, government must ensure that the positions within it are occupied by people who can do the jobs required. This management function of *staffing* the government is for the most part performed by the professional managers of the bureaucracy and overseen by the Public Service Commission, which ensures that employment in the public service is based on merit and not on political patronage. However, while essentially excused from the responsibility for staffing the approximately 500,000 rank-and-file positions in the federal government, the prime minister and Cabinet retain the responsibility for "order-in-council" appointments. These are appointments made formally by the governor general, but at the exclusive discretion of the prime minister, and include federal judges, superior court judges in the provinces, lieutenant governors, senators, deputy ministers, ambassadors, royal commissioners, and the presidents, chairs, and boards of directors of sundry Crown corporations and regulatory agencies. Most such appointments are at least influenced by the political affiliations of the appointee and many of them are blatantly patronage choices to reward the faithful for services rendered to the party in power.

Controlling The chief executive and policy functions of the executive are most interrelated in the area of financial management and *control* of spending. Clearly, the allocation of financial resources among the various programs of the government sets priorities among existing policies, and such spending decisions can be as important as the decisions leading to the implementation of new legislation. However, the power to spend money in order to give effect to government programs is a necessary component of the effective management of the affairs of the state.

It is a cornerstone of responsible government that the Cabinet may only spend money that is appropriated to it by Parliament, and, moreover,

such money must be spent only on the measures specifically identified in the appropriations. However, while Parliament must approve spending proposals before the government can spend any money, only a minister can actually *spend* the money—Parliament does not have the power to spend money itself.⁶ Moreover, because the prime minister and the Cabinet are held accountable for all government spending, only ministers (not opposition leaders or backbench MPs) have the authority to initiate financial measures. Thus, all bills that require the expenditure of public moneys and all tax legislation must be introduced by a minister. The operational components of the executive branch's responsibility for the financial affairs of the nation include the preparation and presentation of the *budget*, the preparation of the expenditure *estimates* that form the basis for appropriation acts, and the keeping of the *public accounts* that enable Parliament to scrutinize the government's spending. Finally, it is a convention of our Constitution that if a financial measure is defeated in the House of Commons, it is normally viewed as a "vote of nonconfidence" requiring the prime minister to tender his or her resignation to the governor general and hold a general election.

POLICY FUNCTIONS

Public policy decisions are those taken *within* government about measures to be given effect *outside* government. In other words, a policy is a declaration of government's intention to implement laws and regulations that will directly affect individuals in our society. A policy, *per se*, has no legal or binding effect on citizens, because, in a system based on the *rule of law*, our rights, privileges, and obligations can only be altered by legislation, by regulations passed pursuant to legislation, and by the decisions of administrative and enforcement officials entrusted with the responsibility for implementing the laws. However, once a firm policy decision has been taken by a government, it is almost inevitable that it will eventually be transformed into a legally sanctioned instrument that affects the lives of Canadians.

While determining policy is clearly the most important function of governments, it is difficult to state uncategorically where and by whom such important decisions are taken. Policy, in a world as complex as ours and in a system of government based on liberal democratic principles, is rarely made in a single climactic act or by a single identifiable actor or institution. The "off with their heads" model of policymaking can happen only in a mythical autocracy, where decisions are simple "either/or" ones and where the requirements of representative democracy do not apply. In a modern democracy, policies emerge over time through the complex

interaction of the large number of individuals, groups, and institutions that make up the *policy community*.

Policy ideas can be introduced or *initiated* by individual Canadians, by interest groups, by experts and specialists in the bureaucracy and by the politicians themselves. Policy ideas are fleshed out and *formulated* to a large extent by experts in the bureaucracy, and the ultimate policy proposal must be given legal effect and *legitimized* by our elected representatives in Parliament (or the provincial legislatures). However, it is the political executive—the Cabinet and the prime minister—that is the "policy crucible" or core institution of the policy process in Canada. It is the Cabinet that must set broad policy direction for the country, determining, for instance, that spending must be curbed, more should be left to the private sector, a greater effort must be exerted to improve social programs and health care, and so on. Moreover, it is the Cabinet that must establish priorities for the implementation of existing policies: deciding whether a policy option is worth pursuing at all, determining the order in which approved policies must be given legislative effect, and deciding which agencies should be given the responsibility for formulating the specifics of the legislation. Finally, even though it is Parliament that must give legislative legitimacy to all policies, the Cabinet, because it controls a majority in the House of Commons, has the responsibility for introducing the legislation and for piloting the bill through the legislative process.

THE STRUCTURE OF THE POLITICAL EXECUTIVE

As we have seen, because Canada is, in a strictly legal sense, a *constitutional monarchy*, the Queen is the titular head of state and her powers and responsibilities in Canada are delegated to the governor general. Because Canada is a *federal state*, with sovereignty shared between two orders of government, the authority of the Crown in each of the provinces is delegated to a lieutenant governor. Finally, because Canada is a *parliamentary democracy*, virtually all of the powers and responsibilities of the Crown in Canada are exercised by the political executive, the Cabinet, at both the federal and provincial levels. Hence, in explaining the institutions of the executive branch in Canada, we must focus on the internal workings of the Cabinet, the Cabinet committee structure, and the nature of the executive support apparatus that assists the Cabinet and the prime minister in carrying out their responsibilities.

THE MINISTRY SYSTEM

There has always been an informal hierarchy among ministers in Cabinet, determined by and reflective of the importance of the portfolio held, membership on key committees, experience and seniority, home province, relationship with the prime minister, and, although cynics might scoff, the intelligence and ability of the individuals involved. While these determinants of ministerial influence in Cabinet still operate today, in 1993 the government of Jean Chrétien made two significant changes in the structure of the Cabinet that have had an impact on the power of individual ministers.⁷

First, by contrast to the large (forty members plus) cabinets of Mulroney and Trudeau, Chrétien has reduced the Cabinet to about thirty ministers. Sitting as one of twenty-five instead of one of forty, each minister has a better opportunity to be heard, and hence a higher relative potential to be influential in Cabinet deliberations. Secondly, so that representation for various groups and regions could be provided in Cabinet, as in the past, the Chrétien government created the new ministerial rank of "secretary of state" that allowed for the appointment of seven or eight junior "ministers in training." Secretaries of state are sworn in as Privy councillors and they are in the *ministry* but not in the Cabinet. Each is assigned to a "full" minister and given an area of responsibility within the minister's portfolio, but a secretary of state is not placed in charge of a government department. Secretaries of state receive about 75 percent of the salary of a minister and are permitted to attend Cabinet meetings only at the invitation of the prime minister.⁸

CABINET COMMITTEES

Until the middle part of the 20th century the vast majority of executive decisions in Canada were taken by the entire Cabinet, meeting as a *plenary* body chaired by the prime minister.⁹ As Cabinets grew in size, meetings of the full, or plenary, body became more and more cumbersome. Moreover, as the number of items appearing on Cabinet agendas grew, it became apparent that there was insufficient time to consider all items adequately in full Cabinet. Hence, the practice of delegating certain matters to committees of cabinet¹⁰ gradually grew until, by the Trudeau years and continuing through the Mulroney period, virtually all decisions were taken in committees and the plenary Cabinet seldom even met. Before we discuss the Chrétien system, which has returned a lot of the power to the plenary Cabinet, it is worth looking at a few of the key departures in the evolution of Cabinet committees.

Treasury Board "The Board" was established in 1875 by the Financial Administration Act¹¹ to oversee the expenditure budget and to assist the line departments in the preparation and submission of their annual estimates. In 1967, the Treasury Board was given the further mandate to act as a committee of management for the public service, overseeing all aspects of personnel and financial management in government (except those assigned to the Public Service Commission under the Public Service Employment Act), and to act as the "employer" for purposes of collective bargaining. Since 1968 the Board has been chaired by the minister designated President of the Treasury Board and includes five other ministers, one of whom must be the minister of Finance. The Board is supported by a large central agency staffed by bureaucrats called the *Treasury Board Secretariat*, or TBS.

Priorities and Planning The British cabinet system has been a two-tiered system for a long time, with the key movers and shakers of the government and the most trusted colleagues of the prime minister sitting as members of a *de facto* committee called the *inner Cabinet*.

While this type of arrangement emerged briefly in Canada during the Second World War, when the plenary Cabinet was effectively displaced by the *War Committee* of Mackenzie King's government, it wasn't until Pierre Trudeau's government of 1968 that such a system became a fixture in this country. Trudeau set up a plethora of specialized *standing committees* of Cabinet that dealt with the details of policymaking in the various portfolios of government along with two coordinating committees that choreographed the government's relationships with Parliament (*Legislation and House Planning*) and with the provinces (*Federal-Provincial Relations*). To oversee this complex structure, the Trudeau government established a "mother of all committees" styled the *Cabinet Committee on Priorities and Planning* (P&P), which was, in essence, an "inner Cabinet."¹²

This system, with some minor variations, remained in place throughout the Trudeau and Mulroney years. Mulroney's government added yet another layer to the complexity with the creation of a *Cabinet Committee on Operations* (OPS), which was smaller than Priorities and Planning but included the most important members of P&P and, cumbersome as it may seem, effectively set priorities for the Priorities and Planning Committee. In the final years of the Mulroney era, the executive decision-making process in Canada had become so complex that even the ministers who were part of it could not fully understand it. The only people who seemed to thrive in this multilayered apparatus were the senior officers in the Privy Council Office. These central agency mandarins acquired disproportionate influence over the policymaking

system because only they could follow its many twists and turns. It was this excessive complexity that brought the system to the point of near collapse, and set the stage for the reforms to the Cabinet committee system in 1993.

THE COMMITTEE SYSTEM TODAY

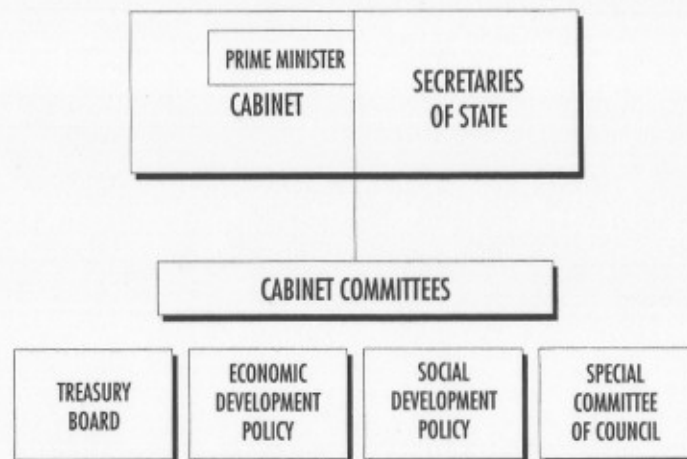
The Cabinet committee system established by the newly elected Chrétien government in 1993 bore little resemblance to its predecessor. There is no P&P or OPS, and there are no coordinating committees, the responsibilities of these bodies having been taken over by the plenary Cabinet. Treasury Board, because its powers are defined by statute, functions as it did before. Two "policy committees"—the *Economic Development Policy Committee* and the *Social Development Policy Committee*—have assumed responsibility for the detailed scrutiny of policy proposals previously delegated to the eight to ten "standing committees" in the Trudeau-Mulroney eras. There is also a *Special Committee of Council* that does not deal with policy but takes the responsibility for a number of executive housekeeping chores such as order-in-council appointments. As in the past, the prime minister can establish ad hoc committees at any time to deal with specific problems or projects.

As the Chrétien Cabinet has evolved, it is apparent that the workload is not evenly distributed among the policy committees, with the Economic Development Committee having a broader range of responsibilities than Social Development. Moreover, it is clear that some individual ministers are more influential than others, their power depending on their portfolio responsibilities, relationship with the prime minister, the region of the country they represent, and so on. Hence, while there is no formal "inner Cabinet," the plenary Cabinet does not make any decisions unless a small coterie of key ministers and the prime minister are in agreement. Thus, the Chrétien Cabinet structure is certainly simpler than that of Trudeau and Mulroney, but, as we shall see, the formal structure only tells us part of the story of how the prime minister and Cabinet actually exercise executive power in Canada.

EXECUTIVE SUPPORT TO CABINET

Before World War I, governments were basically noninterventionist, and the issues of the day were far less complex and technical in nature. Sir John A. Macdonald and Sir Wilfred Laurier made a lot of policy decisions on their own, tempered with whatever advice they might have chosen to accept from their colleagues in Cabinet. Reliance on large and highly spe-

FIGURE 1: The Chrétien Ministry



cialized policy units in the bureaucracy was minimal, and the need for executive support staff was limited to secretarial and clerical personnel, a small *Cabinet Secretariat* to keep records of Cabinet deliberations and decisions, and various "gofers" and minor minions who served the personal needs of the ministers.

MINISTERS AND MANDARINS

After the Great Depression and World War II, the policy world became more complex. Prime ministers such as William Lyon Mackenzie King and Louis St. Laurent came to rely heavily on the advice of the senior bureaucracy—the so-called *mandarins*—in making policy decisions. Policy issues had become more technical in nature and the expertise of the bureaucracy gave it significant influence over the policy decisions taken by the basically nonexpert Cabinet. The executive support staff of the Cabinet came to include individual ministers' executive assistants and executive secretaries. The Secretariat to the Cabinet, while somewhat larger, was still primarily concerned with the effective keeping of records and facilitating the flow of paper to and from Cabinet.

The 1960s saw an incredible growth in the size and responsibility of executive support units in government, units that came to be called *central agencies*.¹³ These agencies expanded in part because the prime minister and Cabinet felt that the power of the mandarins in the bureaucracy could

be countered if there were a separate body of experts reporting directly to the prime minister that could filter and interpret the increasingly technical policy documents being considered in Cabinet. The Cabinet Secretariat became the *Privy Council Office (PCO)* and was responsible for the management of the flow of documents from the bureaucracy to the Cabinet. The PCO became an information gatekeeper, filtering, digesting, and interpreting the vast amount of material before Cabinet so that harried ministers might be able to better understand it.

THE PRIVY COUNCIL OFFICE

While the expansion of the central agencies began during the Diefenbaker–Pearson years, the most radical growth in their size and power occurred with the Trudeau government. Certainly it was distrust of the line bureaucracy and the problem of information overload in the policy process that justified PCO growth, but it was also the rationalist philosophy of Pierre Trudeau that spurred this expansion. Trudeau, Canada's "philosopher-king-as-PM," believed that even the vast amounts of complex and technical data that had to be read and absorbed if the Cabinet were to be able to make informed and effective policy decisions could still be managed. The solution, according to Trudeau, lay in a better central agency apparatus. Moreover, the PCO was under the direct control of the prime minister, giving him increased control, not only over the bureaucracy but also over his own ministers. Not surprisingly, when Brian Mulroney became the PM he did not significantly alter the role or structure of the PCO, and in fact it grew during his nine years in office.

The organization of the PCO to this day reflects the approach of the Trudeau government. Headed by Canada's top public servant, who holds the double-barrelled title of Secretary to the Cabinet and Clerk of the Privy Council, the PCO has a staff of about 500. Its job is to provide coordinative services to the Cabinet and its committees, insuring that agendas are in place for meetings, that the relevant documents are on hand for the ministers to peruse, and that all documentary material is organized, integrated, and summarized in a readily comprehensible form. The PCO forms both a communications link and a "buffer" between the Cabinet and the policy advisers in the line departments of government.

THE PRIME MINISTER'S OFFICE

The Prime Minister's Office (PMO) also expanded rapidly under Trudeau. Just as the substantive and technical components of the policy process

could be organized and rationalized by the PCO, so could its political and partisan components be streamlined. In a world of mass communications and public opinion polling, Trudeau realized that "old-fashioned politicking"—door-to-door canvassing, mainstreeting, baby kissing, and "a chicken in every pot" campaign promises—could no longer win elections. Instead, it was felt that political communication with the electorate should be an ongoing process, with policy decisions taken quite deliberately to find congruence with prevailing public attitudes. Moreover, it was essential that the desired message be sent to Canadians through the media, with the most publicly appealing "spin" or emphasis on the information.

The PMO had a staff of only forty under Prime Minister Pearson and grew to about 150 under Trudeau. Brian Mulroney, who distrusted the bureaucracy more than Trudeau before him or Chrétien after him, and who hoped to achieve a greater politicization of the policy process, allowed the agency to grow to 300. In 1993 Chrétien vowed that he and his ministers would work more closely with the senior bureaucracy and that he would take a less choreographed and "folksier" personal approach to delivering the partisan message to the country. As a result, the PMO is smaller today than it has been since 1970.

While the PMO may vary in size and influence with successive PMs, it continues to function as the *political technocracy* of government. There is a small unit within the agency responsible for organizing the PM's appointments, itinerary, and day-to-day schedule. There is also a correspondence secretariat that monitors and ensures appropriate action is taken on all mail received by the PM. Under Chrétien, the PMO also includes a number of *regional assistants* who are supposed to keep the PM advised of developments in the hinterland beyond Ottawa. The *Policy and Research Branch* has senior policy advisers who undertake special projects and maintain ties with the key people in the PCO. Since the PMO reports directly to the prime minister, it also enhances and consolidates his or her power with respect to Cabinet colleagues and the backbenchers in the government caucus.

One of the most important branches of the PMO is responsible for communications. This part of the PMO monitors media reports across the country and gives the PM regular briefings on how he and his government are being perceived. The *Communications Branch* also manages the flow of information from government to the media, and hence to the public. Government press releases and press conferences are organized by media relations officers, who also try to maintain close "insider" relationships with members of the press corps in order to influence the "spin" that is placed on news items and announcements of new policy initiatives. However,

given the increasingly confrontational relationship between the media and politicians today, "managing the press" becomes more and more difficult for political leaders and their communications mavens alike.

Finally, under Chrétien, the PMO as an institution has become less important than it was under either Mulroney or Trudeau. To be sure, the briefings and political analyses generated by the agency are still useful and likely do have an influence on decisions taken by the prime minister. However, more significant than the *office* of the PM under Chrétien are the *officers* who occupy various positions in that organization. It has gradually become clear that *chief of staff* Jean Pelletier, *senior policy adviser* Eddie Goldenberg, and *director of communications* Peter Donolo are among a close-knit coterie of confidants and advisers with whom the PM meets regularly and without whose advice he would not make any significant political decision. Regardless of their positions in the organization, it is because of their personal ties to Chrétien that individuals such as these have a profound influence on the PM and, hence, on key policy decisions affecting Canadians.

THE PRIME MINISTER AND PARLIAMENT: PARTY DISCIPLINE

Prime ministerial power in Canada stems from the fact that by constitutional convention the PM is the only person with the practical authority to exercise all of the powers of the Crown. The PM can dissolve Parliament and call an election, and the PM decides when to summon, prorogue, or dissolve, Parliament. Only the prime minister can name judges, senators, ambassadors, lieutenant governors, and the Governor of the Bank of Canada as well as innumerable lesser "order-in-council" appointees. As well, the prime minister to a large extent controls the agenda of the House of Commons. Because the lion's share of time in the legislature is dedicated to dealing with "government business" and because the PM is the leader of the government, he or she has a great deal of control over the legislative agenda of Parliament. However, the PM's power in Parliament depends on maintaining the support of a majority in the House of Commons, a task that may, from time to time, become troublesome.

MINORITY GOVERNMENT

A *minority government* is one in which the party in power holds fewer than 50 percent of the seats in the House. In this situation, the PM not only must keep his or her own backbenchers in line, but also must win the support of

a sufficient number of opposition members to have a majority. Prime ministers in minority situations must be very skillful, setting off an opposition party on the right against a party on the left, promising an opposition party policy concessions in return for its support, and introducing legislation that is popular enough with the public that the opposition cannot risk voting against it. Prime Minister Pearson, from 1963 to 1968, and Trudeau, from 1972 to 1974, demonstrated all of these skills and exercised power effectively in minority situations. Joe Clark demonstrated virtually none of these skills in 1979–80, stating he would govern "as if he had a majority," and was promptly defeated both in the House and at the polls in the ensuing election. But because minority governments are not the norm in Canada, let us now move to a consideration of how a prime minister leads when the party holds a clear majority in the House of Commons.

PARTY DISCIPLINE

A *majority government* is one in which the government party holds a clear majority of the seats in the House of Commons. In this situation, all the PM must do to remain in office is to hold the support of his or her own party. For the most part, in Canada, this has not proved to be all that difficult. The reason for this is the conventional mechanism of *party discipline*, whereby the backbenchers, the rank and file of the party's MPs, are always expected to vote with the party leadership. However, backbenchers sometimes disagree with the position taken by their leaders, and in the case of opposition members, such dissidence is often expressed in a vote against the party line in the House. In the case of government backbenchers, such lenience is generally not tolerated because a defeat on a vote in the House could cause the fall of the government and precipitate an election.

Broadly speaking, party discipline does not have to be "enforced" by the government. On the one hand, most MPs run on a party ticket in large measure because they prefer the philosophy and policies of their party over that of the others. Thus, MPs usually vote the party line simply because they agree with it. As well, the prime minister is the democratically elected leader of the party, and in an era of leadership politics, elections are frequently won or lost on the popularity of the party leader. Backbenchers to a large extent owe their electoral success to the fact that they fought campaigns in their own constituencies as members of the party "team," and many are simply swept into office on the coattails of the prime minister. As a result, they support the prime minister in the House, even when they are not in complete agreement personally, if only because "ya dance wit' da one wot brung ya!"

There are, however, a number of sanctions and inducements that the prime minister has at his or her disposal to force or cajole dissident backbenchers into supporting the government. One inducement is allowing full expression of dissident views within regular meetings of the party caucus, with all members of the party, including the PM, in attendance. Caucus is held *in camera* so that everyone can speak openly. In fact, sometimes the prime minister will listen to caucus and take decisions based on its advice. A recent case in point is the Chrétien government's decision to veto proposals for bank mergers in the wake of a Liberal caucus committee report that strongly recommended against approving them. Because backbenchers do get to air their concerns in caucus, expulsion or the threat of expulsion from caucus can be used as a sanction to discourage habitual "loose cannons" from embarrassing the PM. As an example, John Nunziata, a long-time Liberal backbencher (and an equally long-time loose cannon) was expelled from the government caucus in 1996 for voting against the government on an important bill.

Finally, the prime minister controls a wide range of plums and perks that can be handed out to the faithful and refused to the wayward. The biggest plum of all is a Cabinet post, and hardworking, supportive backbenchers are more likely to get the nod when a vacancy in the ministry occurs. Chairmanships of Commons standing committees and jobs on the House floor such as whip are also doled out to backbenchers who have served their time in the trenches and toed the party line. Those who are overly outspoken usually miss out on such perks or, as in the case of veteran MP Warren Allmand, have them snatched away as punishment for publicly expressing opposition to a government policy.¹⁴

While it might appear that backbenchers have become more obstreperous in recent years, majority governments have not had any difficulty in maintaining control. The reality is that no majority government has ever been defeated on a recorded vote in Parliament, and that situation is unlikely to change.

PRIME MINISTERIAL POWER AND LEADERSHIP STYLE

The nature of political leadership in Canada varies a great deal from era to era, and that variation can be explained in part by the circumstances of the times. Two of our greatest prime ministers, Macdonald and Laurier, were "true" leaders in the sense that they were "one-man shows." They led the country and their parties on the strength of their intelligence, political

savvy, and the loyalty they earned on the basis of their personal traits. But it can also be argued that the relatively circumscribed character of contemporary politics and political issues made it easier for men such as these to lead. Loyalty could be built and secured through the distribution of perks in the form of patronage, and the central issues of the day were based on such high-minded goals as nation-building, westward expansion, and natural resource development, all of which were difficult to oppose.

THE BROKER

As the issues facing Canada became more complex and more potentially divisive and as the levers of patronage were gradually removed from the hands of our political leaders, leadership by force of personality became more difficult. Mackenzie King, our longest-serving PM, successfully applied a formula for leading the country in the face of economic disaster, global war, and a rising tide of ethnic conflict; he mastered the art of *brokering* compromises and accommodations among opposing interests. King was powerful, in spite of the fact that he lacked all of the outward traits normally associated with leadership—charisma, gregariousness, physical stature, and so on—and, in fact, was downright weird.

However, King's consummate skill was to build coalitions among disparate and often opposing factions, coalitions that held together not because of mutual love for the prime minister, but because he was able to convince the partners to coalesce because it was in their respective best interests to do so. King's ego also allowed him to share the reigns of power with those in the Cabinet he deemed most capable. He allowed his lieutenants, such as C.D. Howe and Louis St. Laurent, leeway to assume leadership in their areas of expertise and he didn't even seem to mind if some of the media attention was focused on his cabinet colleagues. Remarkably, his ministers returned his trust with loyalty.

THE CHARISMATIC AND THE COLLEGIAL

John Diefenbaker was the first prime minister to come to power through the medium of television. His political career had been checkered before his election in 1957, with far more political failures than victories. As a Westerner, he was an "outsider" to the Progressive Conservative Party, the "party of Bay Street." However, Diefenbaker seemed to have a special spark, a certain *charismatic* appeal that bloomed under the glare of the TV cameras. His speeches were characterized by an evangelical zeal, filled with images and symbols that appealed to an electorate that had become dis-

satisfied with the workmanlike but overly complacent style of previous Liberal governments. Diefenbaker led his party to the largest-ever electoral landslide in 1958, and it appeared that the reigns of office might be in his hands for a long time to come.

Unfortunately, however, Diefenbaker's personal flaws were as impressive as his strengths. It soon became apparent to his ministers, particularly those from Central Canada, that his charisma was not backed up with substance and, more damningly, he was unwilling to share any significant decision-making authority with them. As well, he distrusted the bureaucracy and, hence, made complicated decisions without taking advantage of their expertise and experience. Not surprisingly, he made many bad decisions because they were not only uninformed but were often taken in the absence of a consensus in Cabinet. Within five years, Diefenbaker had completely blown his majority and a few years later was dumped by his own party.

Diefenbaker showed us that while electoral success is necessary for becoming prime minister, it is not a sufficient condition for staying in power. By contrast, his arch rival from 1958 to 1967, Lester B. Pearson, failed to win a majority government in four tries, but performed effectively through five years of minority government. What Pearson lacked in personal charisma, media appeal, and, hence, electoral success he made up for in terms of brokerage skills and a willingness to share real power with his ministers. His *collegial* style of leadership allowed him not only to hold the loyalty of his Cabinet colleagues and his caucus but also to make the deals and compromises with the opposition parties that kept his government in power even without a majority. Where Diefenbaker viewed those who disagreed with him as disloyal, Pearson encouraged open debate and discussion. Where Diefenbaker could not tolerate any heirs apparent in his Cabinet, Pearson worked harmoniously with his "star" ministers and even actively recruited from private life the man who would be his successor.

HIP, SLICK, AND HICK

The personas of our prime ministers in recent years have been shaped in part by the media and in part by their own self-images. Although Joe Clark, John Turner, and Kim Campbell all made brief "cameo" appearances in the job, none of them was in office long enough to develop or impose their own style of leadership. Hence, in commenting on prime ministerial style and its impact on our system of government, we will focus on the three men who have dominated our political landscape for the past thirty years: Pierre Trudeau, Brian Mulroney, and Jean Chrétien. While all

of these men have been successful prime ministers, they each approached the job in a different way and each had a unique impact on the nature of the executive power in our country.

Pierre Trudeau Trudeau arrived on the political scene "out of nowhere," having little experience in partisan politics and apparently having very limited political ambitions. Elected not on substance but on image (all he offered us was the slogan, "a just society"). Canadians had become bored with old-style politics and were looking for something different and exciting, and Trudeau offered it. He was "hip," "with it," and "cool," and "Trudeaumania" swept the Liberals to power with a large majority in 1968. While we may have elected him originally on the basis of image alone, it turned out that he was a highly intelligent man. His philosophy of governing was *rationalist*, based on the assumption that if decisions were made in a structured, orderly fashion, with all of the pertinent information taken into account, those decisions would be good ones. Ironically, if Trudeau failed us it was by assuming that all political decisions could be reduced to a clear set of rational choices, that Canadians made their political choices as rational actors. His pursuit of bilingualism, his strong stand against Quebec nationalism, his fight for an entrenched Charter of Rights and his National Energy Policy were all likely *rational* in terms of Trudeau's perception of the national interest but all were opposed for essentially political reasons in regions such as Quebec and the West. While it was certainly not his intent, Trudeau left us more divided than we were when he was first elected.

In terms of the dynamics of Cabinet decision making, Trudeau certainly set the tone and broad direction of policy. Moreover, for the things that mattered to him personally, such as bilingualism and constitutional reform, he took his own counsel and that of a few close confidants such as Marc Lalonde and Michael Pitfield with little concern for what his Cabinet might think. However, while Trudeau was certainly not a collegial PM like Pearson, he did not make the mistake of forcing his views on Cabinet in areas where he did not feel strongly. Hence, Trudeau was often content to let Cabinet have its way in, for instance, economic and fiscal decisions and decisions affecting regional economic development. Still, he left the institutional legacy of large central agencies responsible directly to the PM and, hence, enhancing for evermore the power of the office.

Brian Mulroney Mulroney also came to the political arena from "outside" Parliament, although his Tory credentials were impeccable. Mulroney swept to power less on charisma or image than on a public sense that

Canada needed a new style of leadership, one that could not be provided by "yesterday's man," Liberal leader John Turner. Mulroney's public persona always appeared suave, businesslike, and coolly efficient. Unlike Trudeau, who often seemed to be uninterested or unconcerned about what the public thought about him and his policies, Mulroney always seemed to worry about his image. He was concerned about what people and, in particular, the media thought about him.

In decision-making style, Mulroney did not trust the senior bureaucracy, and made certain structural changes designed to leave more power in the hands of the politicians. He increased the size of the PCO, enhanced the influence of the PMO, and greatly increased the size and influence of individual ministerial staff. The Mulroney government also went outside government for technical advice more than previous governments, listening to the captains of industry, conservative economists, and private-sector "think tanks" more than his own public servants. Within Cabinet, some individual ministers, such as Don Mazankowski and Ray Hnatyshyn were allowed to become powerful forces, but only because they were personally loyal to the PM and did not show any inclination to succeed him as party leader or to upstage him in the media limelight.

History will likely be kinder to Brian Mulroney than people would expect. He did preside over Canada in a time of economic difficulties, and his policies of free trade, tax reform, fiscal restraint, and government cutbacks were likely instrumental in turning the economy around. The Chrétien government has continued what Mulroney began and has, perhaps unfairly, taken the lion's share of the credit. Mulroney's downfall, ironically, was precipitated by the public image he was so concerned about cultivating. The concern with his own image began to look self-serving and phony, and the cool, businesslike demeanour that was calculated to inspire public confidence came across as simply "slick" and untrustworthy. With the polls indicating that he was far and away the most unpopular serving prime minister in Canadian history, Mulroney will also be remembered as the only prime minister with a majority government to be pressured into resigning while still in his prime.

Jean Chrétien Jean Chrétien's political career is, if nothing else, a monument to perseverance. He was first elected in the mid-1960s, served in the cabinets of Pearson and Trudeau, and ran for the leadership of the Liberal Party twice. Eventually, his persistence paid off, and Chrétien was swept to power with a landslide in 1993, and returned, albeit with a smaller majority, in 1997. If public opinion polls can be trusted, he has had the

longest "honeymoon period" of post-election public approval of any PM in history. True, it can be argued that any PM would look good when measured against the "legions of mediocrity" currently sitting in the opposition benches in the House of Commons. Moreover, Chrétien's ascendancy just happened to parallel an upsurge in the Canadian economy, a happy coincidence for which the PM is content to take full credit. However, we often forget that, unlike Mulroney and Trudeau before him, Chrétien has spent his whole life in politics. Above all else, he is a professional politician who knows how to exploit good luck, how to take maximum advantage of a "pat hand" when it is dealt to him.

We forget that Chrétien is a "pro" because he has always downplayed his own political savvy. His public persona is "the little guy from Shawinigan," the simple but honest "hick" from the backwoods of Quebec whom nobody should take very seriously let alone fear. But this public persona is less an "image" than it is a "mask" behind which a sophisticated "grown up" hides his significant political acumen. When elected, Chrétien vowed to be a "team leader" in Cabinet, to return to a Pearson-style, "first among equals" approach to Cabinet decision making. His abolition of the complex committee system of cabinet, the reinstatement of the power of the plenary body in priority determination, and the reduction in size of the PMO were all seen as indicators of his willingness to follow through on his vow. However, despite the appearances of sharing power with his ministers, Chrétien has, in fact, limited collegiality in decision making to a small coterie of nonelected advisers in the PMO and a small cabal of hand-picked Cabinet colleagues.

Chrétien has also shown little tolerance for dissent among his backbenchers, dumping John Nunziata from caucus entirely and stripping Commons veterans Warren Allmand and George Baker of their committee responsibilities. However, it is probably not accurate to go as far as to suggest that Chrétien is a "closet autocrat."¹⁵ When a PM has a fairly small majority, it is essential to keep government backbenchers onside. Moreover, unlike Trudeau or Mulroney, who did not tolerate "heirs to the throne" in their Cabinets, Chrétien not only tolerates but allows his likely successor, Finance Minister Paul Martin, pretty much a free hand when it comes to fiscal and economic matters.

While the jury is still out on what the Chrétien legacy will be, one thing is certain, and that is that political opponents have to take this prime minister seriously. Despite his humble protestations to the contrary, the little guy from Shawinigan is no hick!

CONCLUSION

As we approach the year 2000, we often hear cries for less concentration of power in the hands of the prime minister and Cabinet. While there is no question that Canada has a system that places great power in the hands of the prime minister and Cabinet, our system of government would not work very well if that were not the case.

The Reform Party, in particular, advocates the introduction of devices such as referenda that would put more direct power in the hands of the populace and less in the hands of the government. Some parliamentarians argue that party discipline should be loosened so that individual MPs can vote "according to their conscience" and not necessarily with their party leadership. All of these suggestions are well meaning, intended to make government more responsive to the people, to be more democratic, but they are also incredibly naive, based on misconceptions about the fundamental nature of our system of government.

Majoritarianism or majority rule is the device we employ to make decisions in our legislatures and it is how we elect our members of Parliament.¹⁶ It is how we operationalize democracy, and it is generally a fair system. However, one problem with majoritarianism is that it creates winners and losers, and can result in the tyranny of the majority over minorities. The genius of cabinet government is that it forces the executive to seek compromise and accommodation among competing views and allows the government to minimize the number of "losers" when policy decisions are taken.

The second problem with placing more power directly in the hands of the people or in the hands of backbenchers is that neither has access to expert advice. As we have seen, many modern policy issues are both complex and technical in nature, and effective decisions can only be taken if people with knowledge and expertise are brought into the process. The prime minister and Cabinet have the necessary expertise "on tap" in the policy branches of the various departments in the bureaucracy, and in some ways it is the ability to harness such knowledge and bring it to bear on policy decisions that is the measure of an effective government.

Finally, while the power of the executive branch in Canada is significant, it is not absolute. The prime minister must always heed the advice of his technocrats in the bureaucracy or end up making bad policy decisions. The prime minister must share executive power with provincial premiers and with Cabinet colleagues. The prime minister must constantly deal with views of caucus, must face the public criticism of the opposition in the House of Commons, and must face the people of Canada in a general election at least once every five years. Thus, the democratic checks to pre-

vent abuses of prime ministerial power are in place, but we must remember that Canadian democracy works precisely because the power of the people and the power of Parliament are given expression through the executive function and not directly.

NOTES

1. The Queen also still has the power, on the advice of the governor general (acting, in turn, on the advice of the PM) to appoint up to eight additional senators. This formal power would likely have been transferred to the governor general by amendment to the 1867 Act had it not been assumed to be an unusable provision of the Constitution by convention. Prime Minister Mulroney, however, resurrected the provision in his second term to break what he saw as a deadlock in the upper chamber.

2. Governor General Byng was asked by Prime Minister King to dissolve Parliament and, instead, Byng asked the leader of the opposition, Mr. Meighen, to form a government. This has come to be known as the "King-Byng Affair."

3. In fact, the only mention of the term "prime minister" is in sections 35.1 and 37.1 of the Constitution Act, 1982, requiring the PM to convene constitutional conferences on aboriginal rights. These clauses are now inoperative.

4. Because appointments are for life, the full Privy Council is composed of many individuals such as ministers of previous governments, who, understandably do not get invitations to attend Cabinet meetings. The Privy Council *per se* never meets as a deliberative body, and it is only the Privy Councillors who are ministers of the government of the day who have the authority to advise the governor general.

5. The terms "Cabinet," "political executive," "the government," and "the government of the day" are all used virtually synonymously. The term "government" is also used in the broader sense of the "state" or the "political system," but usually can easily be distinguished from the narrower use of "the government." Also, while the Prime Minister is always a member of Cabinet, because of his or her dominant role in that body and because the PM's power is affected by his or her relationship with other ministers, the term "prime minister and Cabinet" will sometimes be used in spite of its apparent redundancy.

6. The exception here is with respect to monies required for the day-to-day running of the House of Commons and the Senate. The speakers of the two chambers function in a manner analogous to ministers for purposes of the internal economy of Parliament.

7. Credit must be given here to Kim Campbell, who, in her short term as PM, set the wheels in motion for reforming the structure of Cabinet. She reduced the size and complexity of Cabinet by reducing the number of departments of government and, hence, the number of ministers required to head them up. Chrétien worked from the changes already introduced in instituting his reforms in 1993.

8. It has evolved that secretaries of state are now almost automatically invited to Cabinet committee meetings and often to plenary meetings of the Cabinet as well if a matter being discussed involves their assigned area of responsibility. A few secretaries of state have made the jump to full ministerial status.

9. In fact, both Macdonald and Laurier did set up ad hoc committees of Cabinet to look at specific matters of less urgency than the day-to-day affairs of the government.

10. The first formal Cabinet committees were set up in the hurly-burly of the wartime cabinet room of Borden during World War I.

11. Strictly speaking, the Treasury Board is not a committee of Cabinet but a committee of the Privy Council, which happens to be composed of ministers of the current Cabinet. However, for all practical purposes, the Board functions as a senior Cabinet committee, but with a specialized role and, unlike sister committees, with a statutory mandate.

12. In the brief interregnum of 1979–80, the Clark government actually changed the name of the Priorities and Planning Committee to “inner Cabinet,” but without significantly changing the role of the body.

13. The Treasury Board Secretariat is also considered a central agency, but because it serves the Treasury Board specifically we will not deal with it here.

14. Allmand, who was the second-longest-serving MP at the time and who had served in the Trudeau Cabinet, was relieved of his post as chairman of the important Justice Committee for publicly disagreeing with the government’s spending priorities.

15. *Maclean's* (October 19, 1998).

16. Strictly speaking, an MP is elected if he or she receives a greater number of votes than the other candidates, which may be less than an absolute majority. This is called a single-member plurality system of election.

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POLITICS VERSUS ADMINISTRATION: POLITICIANS AND BUREAUCRATS

Reg Whitaker

In liberal democratic states there has always been a certain amount of tension between politicians and bureaucrats over their respective roles in making public policy. No doubt there always will be. The reason for this is straightforward, even if the practice is anything but: it has proved impossible to define decisively the division of responsibilities between ministers and their senior bureaucrats. This relationship is constantly in a state of redefinition and renegotiation, from government to government and from minister to minister in the same government. One thing, however, is sure: Bureaucrats inevitably have an important role in the policy process, while it is the politicians who are ultimately responsible to the public.

THE POLITICS/ADMINISTRATION DICHOTOMY

The simple theory of responsible democratic government is that the people choose among competing political parties at election time. Once a government is elected, it has a mandate from the people to enact the policies it has proposed. The bureaucrats are public *servants*, whose task is to execute the will of the people’s elected representatives in implementing and administering the government’s policies. The problem with this theory is that it is too simple.

In the earlier part of this century, there was a prevalent theory among students of public administration that reflected this simple approach. This was referred to as the *politics/administration dichotomy*. Politics is politics, and administration is administration. Politics is about setting policy,